

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, January 25, 2012**

1. Call to Order:

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Susan Baldwin (Mayor)	Preston Hicks	Dave Walters
Dan Buscher	Chip Spranger	
John Godfrey	John Stetler	

Staff Excused: Steve Barker and Jan Frantz

Staff Present: Christine Hilton, Planning Supervisor
Jill Steele, Deputy City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of December 7, 2011.

**MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY
COMMISSIONER BUSCHER, TO APPROVE THE PLANNING COMMISSION
MEETING MINUTES FOR DECEMBER 7, 2011 AS PRESENTED.**

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: Received letter on January 24, 2012 of support regarding Special Use Permit #S-01-12 for 319 Main Street from Ms. Yvonne Powell who resides at 341 Main Street.

6. Public Hearings and Deliberation / Recommendations:

- A. Zoning Reclassification #Z-01-11:** Petition from Whitley Memorial Funeral Home, Jerome & Shenise Whitley, 330 N. Westnedge Avenue, Kalamazoo, MI 49007. Requesting a Special Use Permit of the following described property for use as a Funeral Home as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(24), for property located at 319 Main Street, Parcel #0780-00-034-0.

Commissioner Hicks Opened the Public Hearing:

Commissioner John Godfrey stated with agreement from the City Attorney's Office that he will be abstaining from participating and voting for the request for the Special Use Permit for a Funeral Home as he is on the Board of Directors for Oak Hill Cemetery which does business with the local funeral homes.

Ms. Christine Hilton stated the previous use of this building had been the First Pentecostal Church which presented to the Planning Commission last month as a Special Use Permit to

relocate their church on Beckley Road; which had been approved. Noted the applicants of this petition currently operate a funeral home facility in Kalamazoo and an office in Battle Creek. They are seeking a special use permit to open a full service funeral home at 319 Main Street. Stated that the services they provide are typical of a funeral home and are outlined on their web site: <http://whitleymemorialfuneralhome.com>.

Ms. Hilton stated the funeral home would be regulated by the State of Michigan in addition to any conditions that would be approved as a part of the Special Use Permit. Noted that the structure as what is shown in our records was constructed as a church, which our records go back only until 1950 and at one time a house had been attached with a parking lot in the rear and also on the south side of Lathrop Ave. that had been approved by a Special Use Permit. Said the property is zoning "R-2 Two Family Residential" as is the surrounding zoning district and having reviewed with the standards in the ordinance staff is recommending approval as we feel it meets those standards and have a few recommendations mainly with the parking lot striping to the rear of the building as well as the staging of the vehicles.

Mr. Jerome Whitley, 330 N. Westnedge, Kalamazoo, MI came forward to speak, stating that he is the owner and director of the Whitley Memorial Funeral Home in Kalamazoo, Michigan and have opened their doors 4 ½ years ago in the City of Kalamazoo. Stated since that time they have been serving families here in Battle Creek area without a full fledged facility and have been holding the services in the families churches and doing the legal preparation work that has to be done for a body at their licensed facility in Kalamazoo; say that in the past 4 years business in Battle Creek have been doing well and feel they can perform more services if they have a facility here in Battle Creek. Said they feel the granting of the SUP will help them fulfill their vision and mission for their clients and family in Battle Creek. Noted they have the opportunity to purchase this church on Main Street and have held some services there in the past and the location fits perfectly for what they are trying to do and see it as an opportunity to maintain the integrity and historical essence of the building. Mr. Whitley said they plan to maintain and uphold the appearance of the building and are looking to do some cosmetic modifications but no major renovations at this time and they are here to gain favorable support today as they want to meet the needs of the citizens in Battle Creek.

Pastor Elmer Hess came forward to speak; stated he has been pastor at the First Pentecostal Church of God In Christ for the past 31 years and is here today to speak in support and integrity for Mr. Whitley. Stated in 1989 they had purchased the church for \$10,000 dollars less for another offer that was on the table and was able to do so because they had assured the previous congregation that they would keep the building maintained based upon the history of that building; and have kept the properties integrity and in good condition and that in the past the church had been awarded by the City of Battle Creek the Beautiful Battle Creek Award. Said he knows Mr. & Mrs. Whitley and they have held several services at the church and feels they would maintain the building the same as the church had done and the congregation is very pleased they want to purchase this property.

Mr. Tony White came forward to speak, said he resides at 37 Lathrop Avenue for the past 28 years which is three buildings away from the church. Stated he has no objection to the request for its use as a funeral home. Mr. White noted that his property had been awarded the Beautiful Battle Creek award also.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

Commissioner Buscher asked Ms. Hilton a question regarding page 6 of 6 of the staff report items a. – f. and how did she come up with them and if it was standard language used for this type of business. Ms. Hilton stated that regarding item (c) they have been including with all SUP, by adding it in the report and going through to the City Commission, it reinforces a requirement that they need to do. Said that items (a & b) are specific to this property, on this site inspection there is no parking striping and due to the staging of vehicles necessary for a funeral procession it is our opinion that it will help to facilitate that and have a much smoother process in the neighborhood and the property.

MOTION BY COMMISSIONER BUSCHER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT FOR A FUNERAL HOME FOR PROPERTY LOCATED AT 319 MAIN STREET, TO INCLUDE THE STAFF FINDINGS AND ADMINISTRATIVE CONDITIONS NOTED IN THE STAFF REPORT.

Discussion:

Commissioner Stetler suggested that the wording for item b. on page 6 of staff report be changed to possibly allow the striping to be done by July 1, 2012; due to the current weather season being winter, as parking lots cannot be stripped until warmer weather. Commissioner Stetler also had a question regarding item a. which is desirable and wonder if the staging of vehicles is done at the churches that have funerals and if the other funeral homes are not staged on one lane of the road; asked Mr. Whitley if there had been any problem at in the past with having funerals at other churches with staging of vehicles in one lane of the road for the funeral services or have they always been able to stage them on the property.

Mr. Whitley stated it depended on the churches and what the size of their parking lots.

Commissioner Stetler asked Mr. Whitley if this property had a large enough parking lot for the staging of vehicles or would he need a public road. Mr. Whitley stated absolutely, they feel they have enough staging area between the parking lot behind the church and the new parking lot to stage the vehicles in a safe manner. Commissioner Stetler stated he would not object to (a) but feel (b) should be altered.

Commissioner Hicks asked if the city streets had an ordinance regarding parking of vehicles for these types of businesses to allow them to use the street. Ms. Hilton stated she doesn't think we would have the authority to mark on a public street any traffic controls types of signage; she had it worded that if the street allows for on-street parking that it would be fine for an staging area.

Mayor Baldwin asked if the July 1st date would work for the Planning Commission, as Mr. Stetler raises a very good point. Ms. Hilton stated she agrees with Commissioner Stetler's suggestion to allow striping to be done during warmer weather and could possibly be done sooner; but does believe there should be a deadline date noted.

AMMENDED: MOTION BY COMMISSIONER BUSCHER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT FOR A

FUNERAL HOME FOR PROPERTY LOCATED AT 319 MAIN STREET, TO INCLUDE THE AMENDMENT OF ITEM (B) IN THE ADMINISTRATIVE CONDITIONS IN THE STAFF REPORT TO ALLOW FOR THE ON-SITE PARKING LOT TO BE STRIPED BY JULY 1, 2012.

A VOTE WAS TAKEN: SIX IN FAVOR (BALDWIN, BUSCHER, HICKS, SPRANGER, STETLER AND WALTERS); ONE ABSTAINED (GODFREY); NONE OPPOSED; MOTION APPROVED.

7. **Old Business:** None

8. **New Business:**

A. **Election of New Officers:**

MOTION BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER SPRANGER TO NOMINATE AND RETAIN THE CURRENT OFFICERS; COMMISSIONER HICKS AS CHAIRPERSON AND COMMISSIONER FRANTZ AS VICE-CHAIRPERSON.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

Ms. Hilton noted that the by-laws state that an Executive Secretary also needs to be elected; which she has served in that capacity in the past. Commissioner Stetler asked if the position needed to be one of their members or could Chris Hilton serve in that capacity.

Ms. Jill Steele, Deputy City Attorney stated she would take a moment to review their by-laws. Mr. Glenn Perian quoted from the by-laws that it states the Director of Planning should serve as the Executive Secretary to the Planning Commission.

9. **Comments by the Public:** None

10. **Comments by the Staff and Commission Members:**

Mayor Baldwin provided her apologies for being late and wanted to introduce City Commissioner Dave Walters as the newest member appointed to the Planning Commission.

Commissioner Hicks thanked the Planning Commissioners for allowing him to continue his role as Chairperson and that he appreciates their trust.

Commissioner Godfrey wanted to thank the City Attorney's staff for their assistance and noted that if any of the Planning Commissioners have any issues regarding a petition and/or any possible conflict of interest; that the City Attorney's office responded very well to his question.

Commissioner John Stetler thanked the Mayor for her speech yesterday regarding housing and what the city is doing and feels it is not quite enough. Said he wanted to ask again what needs to be done regarding non-conforming homes; asked if he needed to provide a survey or count and how many do we need for it to become an issue and take action. Noted he could drive some commercial boundaries closely and count houses and get to 35 in just one area; and he is still pushing regarding this issue.

Ms. Christine Hilton stated they have been looking at other options for our ordinance and that other cities deal with them differently, which are from one extreme to another. Noted that Bay City says if you rebuild within one year you are fine; other communities say you cannot rebuild at all and there are issues regarding case law needs on how they can regulate non-conforming buildings. Stated that if there is any ordinance in the zoning ordinance that needs to be looked at; yes they can certainly look at as this is probably one of the most difficult ones to do and would not happen overnight as there are 25,000 properties total in the city and not sure how many of those are non-conforming at this time and need to talk to the City Attorney's Office to what can be done and keeping in mind the State Statute with the intent that non-conforming is to eliminate them; so we need to be cautious when we draft an ordinance to not go against of what the entire intent of the statute is #1 and #2 That it is further complicated there is some members of City Commission historically and maybe currently that would like us to be more strict with non-conforming properties and try to eliminate them. Noted that it is a balancing act to determine the best way to proceed that meets the needs and desires of both Planning Commission, City Commission and entire city and is on her list of projects she will be handing-out and reviewing today.

Commissioner Stetler stated he does appreciate the update and activity that is going on and does not think Battle Creek can afford the luxury of eliminating 50 to 100 desirable homes. Said he hopes to liberalize our position somewhat on it; as everyone obviously knows his position on it and hopefully in a few months they can get another update. Ms. Hilton stated, yes.

Commissioner Walters wanted to thank the mayor for her kind words and that he looks forward to serving on this commission will be a learning experience for him as well and said he will do the best job that he can.

Commissioner Hicks wanted to wish Commissioner Barker well as he recovers and look forward to having him back hopefully soon.

Ms. Christine Hilton said she had passed out the Capital Improvement Program for this next year and noted there would be a joint workshop meeting held possibly in February, and that the Finance department would be setting the date for that meeting the same as in the last few years. Ms. Hilton also provided a hand-out of an updated Planning department project list and noted there have been added about 10 different chapters dealing with the downtown that are needing to be addressed and have been moved up higher on the to-do list. Ms. Hilton noted to keep the Planning Commission up-to-date on what the Planning Department does out-side of the day-to-day activities of the department; asked the commissioners to review the document handed-out and note any projects they might want to be added. Noted based on State Law an annual report for 2011 will need to be done and will be provided to them at the February workshop meeting.

Mayor Baldwin wanted to address regarding the joint CIP workshop; stating that they want it to be as productive as possible and that everyone would need to be engaged in the discussion with the City Commission rather have everything targeted at the City Commissioners. Asked if the location for the meeting being held at Department of Public Works building was a good location as the same it was in the past.

Commissioner Godfrey stated he felt it was a good location as there is plenty of room for people to come and observe and is centrally located, easily accessible, has good lighting, sound is better than in the Commission Chambers and thinks it is a great facility.

Mayor Baldwin stated that workshop will be coming up and she would be sending out an email in the near future with the date set for the joint workshop; added that they do encourage the Planning Commission to provide their input because it is very valuable.

11. **Adjournment:** The meeting adjourned at 4:29 P.M.

Respectfully Submitted,

Christine M. Hilton, AICP
Executive Secretary, Planning Commission